

REMARKS

Claims 17-21, 23-25 and 27-34 are pending.

Applicant's agent wishes to thank the Examiner for his time and consideration of this application during a telephone discussion of December 12, 2006.

Claims 17, 23 to 24, 27 to 34 stand rejected under 35 USC 102 in view of U.S. Patent No. 6,052,122 to Sutcliffe et al. (hereinafter Sutcliffe). Claims 18-20 and 25 stand rejected under 35 USC 103 in view of Sutcliffe and U.S. Patent No. 6,865,161. Claim 21 stands rejected under 35 USC 103 as obvious in view of Sutcliffe and U.S. Patent No. 5,963,951.

As discussed, careful review of Sutcliffe reveals that Sutcliffe discloses a method and apparatus for allowing users to communicate in an online personal dating system. As disclosed at column 4, lines 2 through 10.

"In addition, each user can have a personal journal that includes, for example, a list of other users that the user has selected, the last e-mail sent and received for a particular user, and search results as described in conjunction with FIGS. 3A-3B. Thus, a user may choose a particular means to contact another user, such as by e-mail, leaving a voice message, or other means. In one embodiment, a user can purchase "stamps" to enable e-mail or other user contact."

As such, although not entirely clear, it appears that in the system of Sutcliffe, stamps are used as credits or tokens in order to allow a user to communicate. Claim 17 has now been amended as discussed to clarify that non-paying users are restricted from initiating communication with other non-paying users while being allowed to initiate communication with paying users. As claimed then, users of a system for message exchange are classified as paying and non-paying users. Paying users are allowed to initiate communication with all users of the system while non-paying users are restricted from initiating communication with other non-paying users while being allowed to

initiate communication with paying users. In Sutcliffe, the concept of stamps appears to be used in order to allow users to pay to use the system. There is simply no disclosure or suggestion that non-paying users can initiate communication as now claimed in claim 17. As such, claim 17 does not appear to be anticipated by Sutcliffe.

Similarly, Sutcliffe does not disclose or suggest allowing (or restricting) non-paying users access to only those stored greetings/messages of paying users while allowing paying users access to all of the greetings/messages, as claimed in independent claims 27, 30, 31 and 32. Instead, the portion of Sutcliffe identified above only appears to disclose that users may pay using stamps. There is no discussion of access paying and non-paying users can have to stored greetings/messages. Accordingly, it is believed that independent claims 27, 30, 31 and 32 are also not anticipated by Sutcliffe.

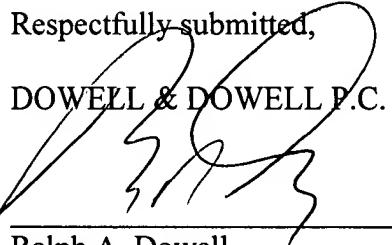
Withdrawal of the rejection of independent claims 17, 23, 27, 30, 31 and 32 and dependent claims 24, 28, 33 and 34 under 35 USC 102 is therefore requested.

Moreover, the claimed billing model of allowing non-paying users to interact only with paying users while allowing paying users to interact with all users is simply not disclosed by Sutcliffe nor suggested by Sutcliffe or the remaining references. Therefore, it is believed that no combination of Sutcliffe and the remaining references (e.g. U.S. Patent No. 6,865,161 to Sponaugle et al.) would render independent claims 17, 23, 27, 30, 31 and 32 or the remaining claims obvious under 35 USC 103. Withdrawal of the rejection of the claims 18-21 and 25 under 35 USC 103 is therefore also requested.

In view of the foregoing, it is believed that pending claims 17 to 21 and 23 to 25 and 27 to 34 are in condition for allowance.

No new matter has been added by these amendments.

Favorable reconsideration and allowance of the application is therefore respectfully requested.

Respectfully submitted,

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